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Karsten, Niels

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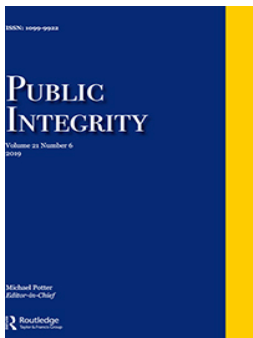
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Not Biting the Hand That Feeds You: How Perverted Accountability Affects the Ethical Leadership of Dutch Mayors

Niels Karsten

Tilburg University

Dutch mayors are in the curious position that, by law, they are required to act against any integrity violations by their fellow political executives and municipal councilors. At the same time, they are fully accountable to the local council, and increasingly dependent on the political support of those they oversee for remaining in office and for their capacity to govern. Data collected from four focus groups and nine interviews indicate that this dependence has produced a precarious situation of “perverted accountability” in which mayors, because they perceive social and career risks, are more likely to refrain from assertive action against integrity violations than the accountability and ethical leadership literature suggests. Here, it is argued that there is an institutional aspect to such reluctance to be an effective moral leader that goes beyond Dutch mayors simply having weak personalities. The current study finds support for the unfashionable argument that accountability can be bad for democracy. It contributes to the study of ethical leadership by identifying perceived personal and positional risks as real-life impediments to ethical leadership and by drawing attention to the complexities of ethical leadership in the realm of politics.

Keywords: accountability, ethical leadership, mayors, the Netherlands

Introduced on February 1, 2016, section 170, paragraph 2 of the Dutch Municipalities Act reads: “The mayor advances the administrative integrity of the municipality.” This law implies that Dutch mayors are obliged to act against suspected integrity violations, such as conflicts of interest, clientelist practices, or criminal influences that affect local decision making. This new responsibility ties in with a number of other legal obligations of a Dutch mayor. These include overseeing the quality of the local authority’s decision making (Section 170, Municipalities Act) and ensuring the legality of any decisions made. Mayors have the power to seek the national government’s annulment of any decisions that they deem to be unlawful or to be in conflict with higher laws (Section 273, Municipalities Act). These

Correspondence should be sent to Niels Karsten, Tilburg Law School, Tilburg University, Room RP-126, P.O. Box 90153, 5000 LE, Tilburg, the Netherlands. E-mail: n.karsten@uvt.nl

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responsibilities resonate with the traditional view that a Dutch mayor should be the “guardian of local democracy” (Karsten & Hendriks, 2017).

A Dutch mayor is widely expected to act in a politically independent way, without pursuing a political agenda, and to act from a position “above and between political parties.” There are a number of law-based institutional aspects related to this position and expected behavior. First, the mayor chairs both the municipal council and the municipal executive board. The former is made up of directly elected representatives and is constitutionally the most senior body of the local authority. The latter consists of the mayor and a number of politically appointed executives, known as aldermen, and is expected to prepare and execute the council’s decisions. In the dual role as the chair of both bodies, the mayor is expected to act as a liaison between the two. Second, by law, the executive board’s decision making is collective. Third, Dutch mayors are appointed, for an initial six-year period, by royal decree (Section 131, Constitution), referred to as “the Crown,” emphasizing that they are supposed to operate at a distance from the local party-political intrigues.

In practice, after having publicly announced a vacancy, a council will nominate a favored candidate for formal approval by the Minister of the Interior (Karsten, 2019). Hence, in practice, the municipal council has the deciding vote in the selection of a new mayor. Despite this local involvement, almost all Dutch mayors come from outside the municipality and most are not a member of the largest political party in the municipal council, again illustrating the nonpartisan profile of the position.

THE PRECARIOUS ETHICAL LEADERSHIP ROLE OF DUTCH MAYORS

From this position of political impartiality, mayors are expected to execute their specific leadership role of overseeing the quality of local decision making. As such, the 2016 introduction of formal responsibility for advancing the administrative integrity can be seen as the formalization of their existing tasks. In a 2013 survey, Dutch mayors already identified “safeguarding integrity” and “quality control of decision-making processes” as their most important activities in relation to the council and the board, with almost all mayors seeing these responsibilities as being (very) important (Karsten & Hendriks, 2017). The 2016 integrity law served to make this ethical leadership role more explicit, and may have further increased its perceived importance among mayors. Based on the concept’s definition by Brown and Treviño (2006), Dutch mayors could be expected to promote normatively appropriate conduct in the local authority through communication, reinforcement, and decision making.

This ethical leadership role of Dutch mayors is similar to the leadership role of many other ethical leaders discussed in the literature, including managers and supervisors (Brown & Treviño, 2006), as well as integrity officers, ethics committees, and the like (Huberts, Anechiarico, & Six, 2008). However, there is one important difference. While most studies focus on ethical leadership by superiors over their subordinates, or by independent third-party agents, Dutch mayors, as part of the executive board, are overseeing the integrity of their peers. Even more crucially, in the case of councilors, mayors in effect oversee the integrity of their *superiors*. This is because mayors are fully accountable to their respective councils for all their actions as office holders (Section 180, Municipalities Act), including for any

capacities granted directly to mayors by the legislature. In addition, in the event of a dysfunctional relationship between the mayor and the council, the latter can send a recommendation, that in effect is binding, for the former's dismissal to the Minister (Section 61b, Municipalities Act). In practice, the council can thus remove a mayor by majority vote and effectively determines whether a mayor remains in office. As a consequence, since the current selection procedure took effect in 2001, for their initial appointment, staying in office, reappointment, and capacity to govern, Dutch mayors have become highly dependent on the political support of the council.

As such, the Dutch mayoralty presents an influential case (Seawright & Gerring, 2008) of a unique accountability regime under which an ethical leader operates, which provides crucial empirical insights into the underexplored issue of how accountability, as an institutional factor, affects ethical leadership (Greenbaum, Quade, & Bonner, 2015) as well the pivotal personal resilience of individual office holders (Hartley, 2018).

A SITUATION OF "PERVERTED ACCOUNTABILITY" AND THE POTENTIAL RISKS FOR ETHICAL LEADERSHIP

The increased accountability of Dutch mayors fits with a broader trend within Europe and beyond that has seen the introduction of more stringent accountability relationships between mayors and both their local councils and their constituents. The original aim of this increased mayoral accountability was to foster the democratic legitimacy of local government (Borraz & John, 2004). In addition, accountability is commonly seen as a source of good governance (Bovens, Goodin, & Schillemans, 2014), including in the case of mayors (Ferraz & Finan, 2011). Some scholars even argue that accountability is "the key ethical control measure" (Kolthoff, Erakovich, & Lasthuizen, 2010).

"Accountability" has been defined as a "relationship between an actor [accountor] and a forum [accountee], in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences" (Bovens, 2007, p. 447). Experimental studies in various academic fields have consistently shown that, in accountability relationships, people tailor their decisions to the views of the audiences in order to gain their favor (Lerner & Tetlock, 1999). Seen from a normative perspective, the resulting behavioral conformity can be evaluated positively since it increases policy responsiveness (Hobolt & Klemmensen, 2008).

However, clientelist practices, conflicts of interests, and criminal influences all have the potential to pervert accountability by introducing pressures that decision makers perceive as illegitimate (Hicken, 2011; Prado, 2009). Under the threat of sanctions from accountees, accountors can feel pressured to act in a way contrary to professional ethics and, for example, not to act when integrity violations occur. Despite this concern, experimental research has shown that, in hypothetical situations, accountors do not allow such accountability pressures perceived as illegitimate to affect their decisions adversely (Lerner & Tetlock, 1999). The expectation, based on current psychological theories of accountability, therefore, is that self-correction by decision makers will prevent such adverse effects. Current theories similarly hold that the behavioral-conformity effect of accountability will only occur if the

accountor perceives the accountability demands as legitimate (Schillemans, 2016). As such, undue accountability pressures are not expected to stop mayors taking assertive action in the event of integrity violations.

The literature, however, increasingly recognizes that increased mayoral accountability has produced unexpected risks to good governance, even in well-established north-west European democracies. In the U.K., councils' scrutiny committees are adversely affected by political party group discipline that produces a reactive blame culture (Cole, 2001; Fenwick & Elcock, 2014). In Germany, the availability of mayoral recall procedures has led to the "new popular sport" of *Bürgermeisterkegeln*, with local citizens "playing bowling with the mayors," resulting in political instability (Wollmann, 2014). Critical observers, from both practice and academia, fear that situations of "perverted accountability" have been produced, whereby decision makers face demands, which they perceive as illegitimate, to act contrary to professional ethics and risk the imposition of political sanctions if they do not bow to such pressures (e.g., Cole, 2001). Such worries are particularly strong regarding the ethical leadership role of Dutch mayors (Cohen, 2018; Karsten & Hendriks, 2017). Further, a rare exploratory study provides indications that perceptions of illegitimate accountability pressures do adversely affect the mayors' willingness to take assertive action against integrity violations (De Boer, 2014). In addition, highlighting the urgency of conducting research on perverted accountability effects, the susceptibility of local government to clientelist and criminal influences is increasingly recognized (Huberts, 2018).

Although concern over perverted accountability is shared by scholars and practitioners, it lacks a theoretical underpinning (Olsen, 2013; Prado, 2009). Its potential existence has not yet been translated to and tested in real-world public administration settings (Schillemans, 2016). Further, while the importance of a decision's consequences is seen to significantly affect decision making (Kühberger, Schulte-Mecklenbeck, & Perner, 2002), the existing accountability literature is unable to fully grasp the effects of perverted accountability because the prevailing experiment-based studies lack a degree of realism (Schillemans, 2016). In response, the current research focuses on real-life decisions. Such studies are rare in the literature on accountability, despite their ability to produce valuable insights (Karsten, 2015). In addition, labelled under various types of social and career risks, the existing integrity literature has identified conceptually plausible impediments to ethical leadership, but empirical studies remain rare (Greenbaum et al., 2015). In one of the few of such studies, Heres (2016) was only able to identify a few adverse accountability effects on ethical leadership among senior administrations, but suggested that others may have remained hidden.

For these reasons, a more critical analysis of the assumption that accountability pressures perceived to be unwarranted do not produce adverse effects is needed, and could usefully contribute to understanding how public accountability works in practice. Indeed, leading scholars have identified this as a significant knowledge gap (Olsen, 2013; Schillemans, 2016). In addition, as called for by Greenbaum et al. (2015), the current research usefully contributes to the empirical study of why leaders may choose to practice amoral management: that is, to not act as ethical leaders. The research question is formulated as:

How do accountability pressures perceived as illegitimate by mayors affect these local executives in taking assertive action against alleged integrity violations?

In analyzing the perverse effects of stringent mayoral accountability, the current study evaluates the “controversial and highly unfashionable argument that accountability can actually be “bad” for democracy” (Flinders, 2011, p. 596).

METHODOLOGY

The analysis is based on four focus groups, in which a total of 21 mayors participated, as well as nine interviews with individual mayors who have had to deal with integrity violations. The focus groups were used to identify and elaborate on tensions in the Dutch mayoralty, and perverted accountability featured prominently. The aim of using focus groups was to reduce the risk of getting individual strategic responses from mayors through organizing group scrutiny by direct peers (Rhodes & Tiernan, 2015). The interviews discussed in detail individual mayors’ considerations and actual behavior when it came to safeguarding integrity. Only four mayors agreed to their interview being recorded and transcribed. This is quite understandable, given the reputational risks for those who are seen as weak in acting against integrity violations (see Busuioc & Lodge, 2017). For the focus group component, member-checked reports are available that include a series of anonymized citations.

One of the main limitations of this methodology is that the perceptions and behaviors that are discussed in this article are self-reported. This, however, is not critical since the current article is mainly about the mayors’ perceptions of legitimate and illegitimate accountability pressures and about perceived integrity violations. As such, whether mayors are correct in their evaluations of integrity violations and accountability pressures is not directly relevant for the analysis. The danger of receiving socially desirable answers regarding the mayors’ behavior seems to have been limited, particularly in the interviews, since a number of mayors openly admitted to refraining from desirable assertive action against integrity violations and to acting contrary to their professional ethics. This openness was achieved by guaranteeing response anonymity, by emphasizing that there were no right or wrong answers, and by inquiring into concrete behaviors in actual cases of perceived integrity violations (see Podsakoff, MacKenzie, Lee, & Podsakoff, 2003).

RESULTS

A large majority of the participants in this study recognized the fact that the council, in effect, is the superior of the mayor, with one mayor noting: “After all, in the end, the council is my employer” (Mayor F). As a consequence, in terms of integrity, mayors perceive an uneasy obligation to, if necessary, act against their superior: “I do have a task [of acting as an ethical leader]. There is a responsibility, but there is no formal competence. In effect, I have to take action against the body that is superior to me, that is the council” (Mayor E).

Prior research has already shown that a large majority of Dutch mayors perceives strong accountability pressures from the council (Karsten & Hendriks, 2017). Although the respondents in the current study seldom disputed the desirability in principle of such an

accountability relationship, this did fuel worries about the position of the Dutch mayor when it comes to integrity issues. The following quotes illustrate this clearly:

Our responsibility in safeguarding the ethics and integrity of the local administration is becoming truly problematic. If you do not operate with great caution, you'll be lynched by the council. ... As regards integrity, you become the plaything of the council. ... The moment I raise my voice, I run the risk of facing the political consequences. ... It is a high-risk situation. (Mayors in focus group 1)

[This new responsibility] puts the mayor in a very difficult position, which can easily threaten the position of the mayoralty in local government. (Mayor B)

What spurs these worries is the fact that mayors do sometimes experience accountability pressures that they perceive as illegitimate.

I recognize this [a case of a mayor being unduly pressured by councilors in his annual performance interview], I see this as a risk of recent times that is the result of our profession becoming more political. ... Around the time of having to decide on my reappointment, out of the blue, one political party did not agree with a decision made by the board, and improperly decided to raise that in my performance interview. (Mayor K)

[When I acted against what I perceived to be an integrity violation], I came into conflict with an alderman. ... She had the support of the leaders of one or two of the political parties in the council, as well as another part of the council coalition. ... She rushed toward me and shrieked: "As the executive board, we do not agree with [your action]. And this is something you will have to take into account." Could I have felt any more pressured? We were surrounded by people, you know. And, after that, a series of personal attacks followed, including in e-mails. The alderman and the councilors went on the offensive against me as the mayor in a power play. Moreover, all of this happened behind the scenes and under the radar. Consequently, I was unable to defend myself in public. (Mayor E)

One of our councilors permanently resides in his holiday home in our municipality, but does not refrain from voting against the municipality's enforcement policy on that matter. [I would like to see that discussed.] However, the moment I speak out about this, I can expect illegitimate questions [from councilors] about my statement of expenses, my reimbursements, or whatever, and I will have a difficult row with the council. (Mayor D)

In a rare case of publicly available research into the circumstances that led to one mayor's stepping down, De Cloe, Fijnaut and Tops (2015) report on similar perceptions of illegitimate accountability pressures being applied when a mayor initiated commissioned research into possible integrity violations by an alderman. Here too, the mayor faced critical questions from councilors about his statement of expenses, and other matters, that he perceived to be unwarranted. The authors of the report qualify the resulting atmosphere as "unsafe and intimidating" for the mayor and go on to discuss the precarious position of the mayor as an ethical leader who is politically accountable to his superiors. Similarly, when another mayor stepped down in 2017 after, in his own perceptions, having failed effectively to counter a culture of

integrity violations in his municipality, he, too, called for reconsideration of the vulnerable position of the Dutch mayor as an ethical leader (Winants, 2017).

As a consequence of this institutional vulnerability, several mayors expressed reservations as regards the abilities of their fellow office holders not to give in to accountability pressures perceived as illegitimate. They suggest that not all mayors will be able to keep their backs straight and to act against integrity violations whenever necessary.

Conflicts of interest, nepotism, clientelism, subversive criminal influences, they are all there. However, not all mayors are heroes, you know . . . and those who do take assertive action are sent away. (Former Mayor A)

In their sixth year as office holder, the reappointment year, all mayors are nervous. It puts you on your guard. At that moment, councilors feel the power that they have over you. As a result, you deal with integrity violations in a different way in your fifth or sixth year in office than in your third or fourth year, or in year seven or eight, for that matter. Especially if you are not a hundred percent confident about being reappointed. [In your fifth year], you simply cannot make things too difficult for some councilors. There will always be people who misuse their power. (Mayor F)

Nevertheless, the large majority of participants in this study did not admit to refraining from acting against integrity violations because of perceived risks to their position as mayor. In focus group discussions, all mayors emphasized the importance of “keeping one’s back straight” and of not giving in to illegitimate pressures. Instead, they called for “acts of great daring” and for “being prepared to fall in office” over integrity issues if necessary. Mayors who give in to illegitimate accountability pressures were said to have handled situations in the wrong way, to have weak personalities or of being overly self-preoccupied. The prevailing opinion throughout the focus groups was that the position of mayor was “not suitable for people who are afraid” (Karsten et al., 2014). One mayor illustrated this by referring to his own behavior, saying:

I invited this councilor to a one-on-one conversation, and told him that I took offence at him for frequently leaking confidential information. Thus, I acted up. Then, his face turned red, and he became angry with me. In the end, though, he gave in. Crucially, I did not know beforehand how all this would end. [I could have ended up in a fight with the council]. This is what I mean when I say that mayors shouldn’t be too self-preoccupied. If you believe you have to act, you should do so, irrespective of the possible consequences. These you will have to accept. (Mayor J)

This mayor was reporting how he was able to resist accountability pressures perceived as illegitimate through self-correction in the way that the existing accountability literature presupposes (see Lerner & Tetlock, 1999).

However, in the individual private interviews, a number of mayors admitted not always to acting against integrity violations because of perceived risks that result from the stringent accountability regime. Mayor D, fearing a situation where he would have to face critical questions that he perceived to be unwarranted about his statement of expenses, as mentioned in an earlier quote, decided not to address the related integrity violation, adding, “I’ve decided to let this go until after the next council elections.” For him, the risk of being caught up in a row with the council was too great. Other mayors occasionally reported similar behavior, as the quotes below illustrate:

People in my surroundings expect me to act against [this violation], but if I do, the shit will hit the fan. . . . For me, the council's agenda committee as well as the board [of mayor and aldermen] are too unsafe environments to discuss this. (Mayor M)

If the council is not willing to tackle this problem, so be it. (Mayor F)

If I were to raise this decision for annulment [by the national government], I would be forced to go looking for another job. (Mayor N)

These mayors are in effect admitting that they have consciously failed in their task of being an ethical leader, even though they felt an obligation to act. For a variety of reasons, they deemed themselves not to be in a position to seek active reinforcement (see also Greenbaum et al., 2015).

Over the course of this study, seven types of perceived risks that relate to the position of mayor have been identified that can explain why mayors did not act against integrity violations. Drawing on Greenbaum et al. (2015) and Heres (2016), Table 1 distinguishes between personal and positional risks and uses these categories to specify seven types of impediments to ethical leadership, for which exemplary quotes are provided. The typology functions as a more refined taxonomy of the social and career risks provided by Greenbaum and others (2015) and adds previously undiscussed risks.

TABLE 1
Perceived Personal and Positional Risks

<i>Risk category</i>	<i>Risk type</i>	<i>Exemplary quote</i>	<i>Source</i>
Personal risks	Health risk	I was completely absorbed in this. Eventually, it took its toll on me, and caused me to burn out.	Mayor E
	Safety risk	The result is that, already for a long time, I have felt intimidated, and, in my perceptions, have had to operate in an unsafe environment.	(De Cloe et al., 2015)
	Job insecurity/ career loss	If I were to raise this decision for annulment [by the national government], I would be forced to go looking for another job.	Mayor D
	Family struggles	The whole situation has also taken a toll on my relationship with my wife.	Mayor F
Positional risks	Ostracism	She had found support from others, which meant that I was quite on my own in this.	Mayor E
	Bad working relations	People in my surroundings expect me to act against [this violation]—but if I do, the shit will hit the fan.	Mayor M
	Reduced effectiveness	From that moment on, everything I did was viewed with suspicion . . . , which made it almost impossible for me to function effectively.	Mayor E

CONCLUSIONS AND DISCUSSION

This research has highlighted that there are various reasons for not exercising strong ethical leadership. The quotations included above provide new evidence that social and career risks are genuinely felt, which usefully contributes to the literature on amoral leadership since, previously, only potential risks had been identified (Greenbaum et al., 2015). The findings also illustrate some of the unique complexities of ethical leadership in situations where the office holder is politically accountable to the people whose integrity they are supposed to oversee. Such ethical leadership in the realm of politics has remained underexposed (Brown & Treviño, 2006). Further, the results of the current study also challenge the accountability literature's core assumption that accountability pressures perceived as illegitimate will not have behavioral-conformity effects (cf. Schillemans, 2016). In contrast, the current research highlights that leaders with ethical responsibilities do at times refrain from acting against integrity violations when faced with accountability pressures perceived as illegitimate when they perceive high personal or positional risks. Interviews were more effective in uncovering this phenomenon than focus groups (cf. Rhodes & Tiernan, 2015).

One line of argument used in countering concerns about perverted accountability effects is to suggest that those who avoid corrective action are simply weak leaders, or have weak personalities, since they give in to pressures perceived as illegitimate, and that they should have been more steadfast. Moral personality, after all, plays an important role in ethical leadership (Lawton & Pérez, 2015). However, in line with Greenbaum et al. (2015), the current research suggests that contextual factors need to be taken more into account. In the situation faced by a Dutch mayor, the increase in the "principal supremacy" (Busuioc & Lodge, 2017) of the council over the mayor has put the mayor's office in an unusually weak position for the role of ethical leader. The current research shows that the current mayor-council accountability relationship increases this weakness substantially, making local government more vulnerable to clientelism, corruption, and criminal influences.

Particularly when individual councilors who a mayor acts against because of integrity violations are able to gain the support of other councilors, and thereby put the mayor under undue political pressure, situations of perverted accountability can come to the fore. It is, therefore, questionable whether the obligation placed on mayors to act against any integrity violations in the local authority is reasonable.

The current study usefully identifies a real-world and typical case of the undertheorized phenomenon of perverted accountability: a situation in which an accountor has the obligation to oversee his accountee, which can result in accountability pressures perceived as illegitimate, and shows how this can have adverse effects on ethical leadership. Clearly, further research into the behavioral effects of perverted accountability is required. Such research could usefully look beyond self-reported behavior and could use a comparative approach to analyze the effects of various types of accountability relationship between ethical leaders and the people whose integrity they oversee. Further research could also identify in greater detail the coping strategies that ethical leaders develop in trying to negotiate the various risks they perceive through different types of assertive action.

The analysis presented here makes a valuable contribution to this line of research by finding that our understanding of both public accountability and amoral leadership could benefit

from analyzing in greater detail ethical leaders' perceptions of illegitimate accountability pressures and of personal and positional risks. This would allow leadership scholars to develop further both the institutional prerequisites and the political skill inventory of how to negotiate the unique challenges of ethical leadership.

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